



PATENT AND TRADEMARK
DIVISION

PATENT
Doc. No. 3981-002

2004 SEP - 7 PM 1:08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yao-Min Chen et al.

Serial No. 09/653,467

Examiner:

Timothy L. Lee

Confirm. No.: 5476

Group Art Unit: 2662

Filed: September 1, 2000

For: CONGESTION AVOIDANCE PROFILES IN A PACKET SWITCHING SYSTEM

Date: August 27, 2004

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

In the above-referenced matter, as allowed under 37 C.F.R. § 1.28(a), the Applicant requests a refund of the excess amount of fees paid at the large entity rate on July 3, 2004. A copy of the transmittal letter showing large entity fee for a second extension of time is attached as Exhibit A. Applicant qualifies as a small entity under 37 C.F.R. § 127(a) and has provided an assertion of small entity status with this request.

Applicant respectfully requests the refund of the excess amount to be credited to Deposit Account No. 13-1703.

Type of Payment:

2nd Extension of Time

Payment was due:

July 4, 2004 Payment was made:

July 3, 2004

Amount paid as large entity:

\$420.00

Amount due as small entity:

\$210.00

Excess amount for credit:

\$210.00

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

James E. Harris
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450
Date: August 27, 2004

Lauren Ballard-Gemmell

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Exhibit A

PATENT APPLICATION
Docket No. 3981-002IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re application of: Yao-Min Chen

Serial No. 09/653,467

Confirm. No.: 5476

Filed: September 1, 2000

Examiner: Group Art Unit: 2662

For:

Date: July 3, 2004

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Responsive to the Office Action dated February 4, 2004, enclosed is an amendment in the above-identified application.

The fee has been calculated as shown below.

CLAIMS AS AMENDED

For:	Number After Amendment	Previous Number	Extra	Rate	Additional Fee
Total Claims	42	42*	0	x \$18 =	\$0
Independent Claims	6	-6**	0	x \$86 =	\$0
Extension of Time - 2 nd				\$420	\$420
First Presentation of Multiple Dependent Claims					\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$420.00

* greater of twenty (20) or number for which fee has been paid
** greater of three (3) or number for which fee has been paid

- Applicant petitions the Commissioner to extend the time for response. The extension fee is included.
 PTO Form 2038 authorizing credit card payment for the above-listed fees is enclosed. Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Respectfully submitted,

MARGER JOHNSON & MCCOLLOM, P.C.

James E. Harris
Reg. No. 40,013I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
Trademark Office via facsimile number
703-872-9306, on July 3, 2004.

Signature

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MARGER JOHNSON & MCCOLLOM, P.C.

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JUL 04 2004

OFFICIAL

**PATENT APPLICATION
Docket No. 3981-002**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yao-Min Chen et al.

Serial No. 09/653,467

Examiner:

Timothy L. Lee

Confirm. No. 5476

Filed: September 1, 2000

Group Art Unit: 2662

For: CONGESTION AVOIDANCE PROFILES IN A PACKET SWITCHING SYSTEM

Date: July 3, 2004

MAIL STOP NON FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Responsive to the Office Action, Paper No. 3, dated February 4, 2004, please amend the application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

Adjustment date: 10/14/2004 SDIRETA1
 07/07/2004 TTRAN1 00000014 09653467
 01 FC:1252 -420.00 OP

07/07/2004 TTRAN1 00000014 09653467
 01 FC:1252 420.00 OP

Docket No. 3981-002

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Application No. 09/653,467

PAGE 4/17 * RCVD AT 7/4/2004 12:36:50 AM [Eastern Daylight Time] * SVR:USPTO-EPXRF-1/0 * DNIS:8729306 * CSID:5032744622 * DURATION (min:s): 00:00
 00:00:18.05

10/14/2004 SDIRETA1 00000007 09653467

01 FC:2252 210.00 OP

Refund Ref:
 10/14/2004

Credit Card Refund Total: \$210.00

VISA.....: XXXXXXXXXXXXXXXXX4306



PATENT & TRADEMARK OFFICE
DIVISION

Dept Ref -
ROOM 307

PATENT APPLICATION
Attorney's Do. No. 3981-002

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Serial No. 09/653,467

Examiner: Timothy L. Lee

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Group Art Unit: 2662

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For: CONGESTION AVOIDANCE PROFILES IN A PACKET SWITCHING

SYSTEM

Date: August 27, 2004

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed for filing in the above-referenced application are the following:

- Request for Refund of Excess Fee Amount Paid
Exhibit A (Copy of July 3, 2004 transmittal letter)
- Applicant claims small entity status (see 37 C.F.R. § 1.27)
Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.
- Return Postcard

Customer No. 20575

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

James E. Harris
Reg. No. 40,013

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
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